

MESSAGE NO: 9149202 MESSAGE DATE: 05/29/2009

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6174209  
MESSAGE #  
(s):

CASE #(s): A-351-840

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/01/2008 TO 02/28/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN ORANGE JUICE FROM BRAZIL, ALL  
ENTRIES FOR ALL FIRMS EXCEPT SUCOCITRICO AND FISCHER S.A. (A-351-840)

MESSAGE NO: 9149202

DATE: 05 29 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 6174209

REFERENCE DATE: 06 23 2006

CASES: A - 351 - 840

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PERIOD COVERED: 03 01 2008 TO 02 28 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN ORANGE JUICE FROM  
BRAZIL, ALL ENTRIES FOR ALL FIRMS EXCEPT SUCOCITRICO  
AND FISCHER S.A. (A-351-840)

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE  
REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS  
MUST BE REQUESTED PURSUANT TO SECTION 751(a)(1) OF THE TARIFF  
ACT OF 1930, AS AMENDED, AND IN ACCORDANCE WITH SECTION 351.213  
OF COMMERCE'S REGULATIONS.

2. COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE  
REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE

MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF COMMERCE'S REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT RATE IN EFFECT ON THE DATE OF ENTRY.

PRODUCT: CERTAIN ORANGE JUICE  
COUNTRY: BRAZIL  
CASE NUMBER: A-351-840  
PERIOD: 03/01/2008 THROUGH 02/28/2009

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

COMPANY: SUCOCITRICO CUTRALE S.A.  
CASE NUMBER: A-351-840-001

COMPANY: FISCHER S.A. COMERCIO, INDUSTRIA, AND AGRICULTURA  
CASE NUMBER: A-351-840-005

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES OF CERTAIN ORANGE JUICE FROM BRAZIL COVERED BY THESE INSTRUCTIONS. AS A RESULT OF A DECISION BY THE COURT OF INTERNATIONAL TRADE, THE INJUNCTION TO WHICH MESSAGE NUMBER 6174209, DATED 06/23/2006, REFERS ENJOINING LIQUIDATION OF ENTRIES OF CERTAIN ORANGE JUICE FROM BRAZIL PRODUCED OR EXPORTED BY COINBRA-FRUTESP SA DISSOLVED ON 8/27/2007.

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 03/01/2008 THROUGH 02/28/2009 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE 03/2009

ANNIVERSARY MONTH (74 FR 19042, 04/27/2009). FOR ALL OTHER SHIPMENTS OF CERTAIN ORANGE JUICE FROM BRAZIL YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER

DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE

ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984  
OR (202) 482-3577 RESPECTIVELY (GENERATED BY 02:AB).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party